IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.13312-M of 2007
Date of Decision:- 08.05.2007

Sunil ....Petitioner(s)

through
Mrs.Sarla Chaudhary, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is to release the petitioner on parole for house repairs.

The petitioner is a convict under Section 307 IPC and is undergoing sentence of 5 years.

Vide the impugned order dated 24.11.2006 (Annexure P-1), the petitioner has been denied parole on the ground that the repairs of his house can be carried out by his other family members. The respondents have further averred that if the petitioner is released on parole, there is likelihood of breach of peace in the village.

It is, however, apparent from the material on record that the petitioner is living separately from his brothers and at present his wife and two minor children are residing in the house. It, thus, appears that the family of the petitioner is not in a position to get the house repaired.

As regard to the apprehension of breach of peace, several remedial measures can be taken by the authorities. The petitioner can be asked to furnish his own personal bonds as also surety bonds of at least two respectables of the village. Similarly, he can be asked to report to the police station concerned at least twice a week.

For the reasons afore-stated, it appears that the petitioner's case requires re-consideration. Consequently, this petition is allowed; the impugned order dated 24.11.2006 (Annexure P-1) is quashed and the respondents are directed to re-consider the petitioner's claim in the light of the observations made here-in-above and thereafter pass an appropriate order in accordance with law within a period of two months from the date of receipt of certified copy of this order.

May 08, 2007 **(SURYA KANT)**
poonam **JUDGE**